

REMARKS

The Official Action of 5 April 2007 has been carefully considered and reconsideration of the application as amended is respectfully requested.

New claims 31 and 32 have been added more completely to define the subject matter which Applicants regard as their invention. Claim 31 is directed to a method of using the claimed system to take account of the Examiner's comments with respect to the intended use language in the product claims. This claim is withdrawn pursuant to restriction requirement, but it depends from a product claim that Applicants respectfully believe is allowable (see discussion below). Applicants respectfully request rejoinder of this claim upon allowance of the product claims. Claim 32 recites particulars of the geometry of the claimed ring shaped body and draws support from Fig. 3 of the application as filed.

The claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Walsh in view of Spillman, Jr. et al. Applicants respectfully traverse this rejection.

The invention as defined by all of the claims of record requires that the recited stent and resonant circuit form a body in the shape of a ring, with the ring comprising a capacitor core with an inductor coil wound around the capacitor core. In the claimed configuration, the claimed stent is adapted for being positioned proximate the ostium of the pulmonary vein by the claimed sensor system for ablating the inner wall of the pulmonary vein to produce

blockage of electro conductivity and thereby to interrupt arrhythmic signals conveyed to the heart of a patient.

The cited references do not show or suggest the claim limitations pertaining to the configuration of the stent and resonant circuit, and thus cannot set forth even a *prima facie* case of obviousness for the invention as claimed for this reason alone. See MPEP 706.02(j) (“To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.”). Moreover, there is no motivation or reason in the cited references or in the prior art in general to modify the reference teachings so as to arrive at the claim limitations. Indeed, as next discussed, not only does the cited primary reference not teach that the stent and resonant circuit form the claimed ring shaped body, but it teaches away therefrom.

Walsh et al teach a stent that is intended to ablate blockage within an artery of a patient and, to achieve this effect, teaches that the stent body 12 described therein is formed in the shape of a **helical cylinder** so as to prevent the collapse of the artery within which the stent is implanted. See Walsh et al at column 3, line 67 to column 4, line 4). This helical cylinder, which forms inductor 14, is attached at each end to a capacitor 16, which is electrically connected to the last coil forming the end of the inductor 14. See Walsh et al at column 5, lines 10 and Fig. 1. Significantly, Walsh et al teach that each capacitor includes an inner conducting ring, an outer conducting ring and a dielectric material disposed between the inner and outer conducting rings. See Walsh et al at column 2, lines 33-40 and column 2,

line 65 to column 3, line1.

The Examiner has provided no reason or motivation in the prior art to modify the structure taught by Walsh et al, with helical-cylindrical stent sandwiched between multi-ring capacitor, to arrive at the claimed ring shaped body, and indeed there respectfully would have been no motivation or reason to do this in the absence of the hindsight provided by the present specification. Moreover, as discussed above, the helical cylinder taught by Walsh is designed to prevent the collapse of an artery wall, and the conversion of this structure to a ring shaped body as claimed would impermissibly change the principle of operation of the Walsh device. See MPEP 2143.01(VI) (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

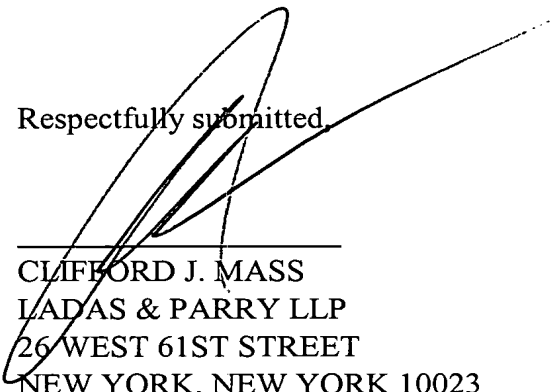
The Examiner has argued at page 7 of the Official Action that the modification of Walsh et al proposed by the rejection is just a rearrangement of parts (“between to around”), but this contention is respectfully belied by the claim limitations, which recite: “said stent and said resonant circuit **forming a body in the shape of a ring**, wherein **said ring comprises a capacitor core** and an **inductor coil wound around said capacitor core**”. This recitation comprises at least three (3) limitations that are not taught by the references.

In short, Applicants respectfully submit that the cited references are incompetent to

set forth a *prima facie* case of obviousness for the invention as defined by any of the claims because (a) there is no motivation or reason for the proposed modification of the primary reference, and (b) the references when combined do not teach all of the claim limitations. With respect to new claim 31, this claim is *a fortiori* patentable over the references because it contains additional features which are not shown or suggested thereby, and Walsh et al teaches away from the claimed geometry.

In view of the above, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890